



The City of
Modesto
Is Seeking an
Experienced, Savvy
City Attorney

MODESTO

MODESTO – THE COMMUNITY

As the seat of Stanislaus County government, Modesto has a rich agricultural history and has worked hard to diversify its economy in recent years. The quality of life in Modesto is one of its most attractive features. Many urbanites have relocated to this welcoming community, attracted by its home town atmosphere, big city amenities, reasonable housing prices, reputable school districts, and protected open spaces. Serving a diverse population of over 207,000, Modesto is California's 15th largest city and is frequently cited as an ideal community in which to live and raise a family. The city is expected to grow to approximately 400,000 during the next 20 to 25 years. The California Department of Housing and Community Development recently designated Modesto as part of the newest Enterprise Zone. The state program encourages business investment and job creation through tax incentives for new and existing businesses and will attract appropriate job-generating retail and industrial businesses.

Founded in 1884, Modesto is located in the heart of the Central Valley. It is within a close driving distance to Yosemite National Park, Sacramento, Northern California coastal resort communities, the state's world famous wine country and San Francisco, plus numerous popular venues for outdoor recreation. Modesto's recently revitalized downtown area continues to enhance its entertainment, service and retail offerings. The beautiful historic State Theatre was recently refurbished. Construction began last year on the \$36 million, two-auditorium Gallo Center for the Arts scheduled to open in 2007. Modesto serves as the principal

entertainment center for the Central Valley.

An increasingly diverse community, the City currently reflects 36% Latino, 4 % Asian, 3% African American, and 4% other minority populations. There are 162,925 households with an average income of \$44,265. The median age is slightly under 33 years.



CITY GOVERNMENT

With an operating budget of over \$293 million, the City of Modesto employs nearly 1,300 full-time and more than 400 part-time employees. The ten-year capital improvement budget is \$492 million. Modesto is a charter city that operates pursuant to the council/manager form of government. The City Council consists of seven members, including a directly-elected Mayor, who are elected at-large to serve overlapping four-year terms (two-term limitation). Modesto is a full-service municipality, providing both police and fire service, along with seven additional departments, plus three charter officers and their respective staffs. The three charter officers are City Manager, City Attorney and City Clerk. A significant portion of parks maintenance costs were recently privatized. The city is both politically and financially stable.

LEGAL DEPARTMENT

The City Attorney's office is located on the top floor of a beautiful and modern six-story City-County administration building and Council/Board meeting room facility that was constructed in the late 1990's. The department consists of 14 staff, including six attorneys. The attorney positions are the City Attorney, Assistant City Attorney and four Senior Deputy City Attorneys. The balance of the staff includes a Paralegal, Legal Services Technician, three Legal Secretaries, two Administrative Office Assistant II's, and a Legal Services Administrator. The current department budget is approximately \$2.1 million.

THE POSITION

The City Attorney is the chief legal advisor to the City Council and represents the Mayor and Council, city boards, commissions and city departments in matters of law pertaining to their official duties and responsibilities. The City Attorney also serves as the department head for the City Attorney's Office—a full-service legal department. The City Attorney formally reports to the Mayor/City Council and communicates on a regular basis with Council members and the entire governing body on a variety of legal matters. The City Attorney is also a valued member of the City's executive team and works closely with the City Manager and department heads on important legal issues. The recent retirement of a longtime, respected City Attorney has necessitated this recruitment. During the interim, the city is contracting with a private firm (Meyers Nave, et al) for City Attorney services.

IDEAL CANDIDATE

It is anticipated that the City Attorney will be a highly competent professional and strong generalist, with excellent communication skills, an appreciation for the role differences between elected officers and appointed officials and an in-depth understanding of issues confronting California cities (e.g. conflicts of interest, open meeting law, land use, public records, election law, contracting, employee disciplinary procedures). Typical candidates include City Attorneys, Assistant City Attorneys and other public and private attorneys who have a sound understanding of local government principles, practices and legalities.



Education, Certification and Experience

Candidates will be expected to have a Juris Doctorate degree from an accredited school of law. Important qualifications include extensive experience practicing law, including knowledge of local government law and the ability to manage a high-performance law office. Active membership in the State Bar of California is required.

Expertise

The Mayor and Council have outlined the following attributes of the ideal City Attorney:

- First-rate lawyer – creative, thoughtful, technically competent, innovative and credible, with a solid work history and the ability to navigate successfully in a sometimes ambiguous environment.
- Thorough understanding of the legal principles, practices and precedents that are directly related to the role and responsibilities of a city attorney. Has a positive track record in successful pre-trial risk assessment and experience in litigation.
- Highly skilled and poised communicator who is effective one-on-one or in public meetings that require clear, concise and objective responses to complex legal questions.
- Competent manager of both issues and staff – capable of sustaining a respectful and productive work environment that inspires teamwork and positive results and values staff contributions. Knows how to mentor and develop staff, respects budgetary parameters, retains and attracts top talent, with an appreciation for a diverse workforce.

Personality / Management Style

- Independent thinker with creative problem solving approach and an eye for detail.
- Self-starter, positive, appropriately assertive and proactive. Resourceful and knows when/how to make effective use of other experts and stakeholders.
- Strives to earn and maintain the Mayor and City Council's trust and respect, yet willing to raise difficult issues when necessary.

- Maintains very high ethical standards – a person of exceptional character who naturally earns the confidence and trust of others. Does not create an atmosphere of favoritism.
- Politically astute without being political. Has experience working with local elected officials and knows the difference between legal advice and policy making roles and does not duck difficult issues.
- Recognizes the value of presenting Council with multiple options to consider and the potential ramifications associated with the alternative courses of action.
- Minimizes the City's exposure to liability while achieving the Mayor and Council's policy direction. Willing to take prudent risks and think outside the box.
- Effectively manages a law office and delivers high-quality, timely service. Knows when and how to effectively select and manage outside counsel. Can effectively communicate to city leaders the possible impacts of certain decisions on staff and financial resources.
- Dedicated to public service; has an established network of reliable resources, is respected in the state's legal community and understands California's local government political/financial/legal landscape.
- Approachable, with excellent communication skills and the ability to work effectively with a diverse population.
- Is a team player who works closely with the City Manager and department heads in examining potential legal impacts and developing alternatives to address a wide range of policy and operational issues.
- Can be relied upon to provide sound legal advice even when it may not be popular.
- Will be approachable and accessible to the Mayor and Councilmembers, as well as the other charter officers and department heads and does not show favoritism.
- Must be flexible, candid and have a professional demeanor that reflects the importance of the issues that are to be addressed.



- Sense of humor but sufficiently thick-skinned to handle the rigors of the job.
- Shows personal resilience – thrives in a high volume environment and willing to develop a high level of commitment to Modesto and to the City Council's vision.

CURRENT ISSUES / PRIORITIES

The goals of the City Attorney's office include: cost effective delivery of services, taking advantage of technology and employee development. Customer service, client relationships and recognizing diversity are important values in the City Attorney's office.

The City Attorney and the City Attorney's Department play a vital role in the accomplishment of the City Council's mission and goals. In preparation for the recruitment of a City Attorney, the Mayor and City Council have identified some of the principal priorities that will need to be addressed by the successful candidate.

Provide High Quality Legal Services to the Mayor and City Council, Boards and Commissions and City Staff

Specific areas of emphasis include the open meetings and public records laws, election law, conflict of interest, and legal advice on the entire range of city services. It is expected that the City Attorney's office will pursue a collaborative and creative approach to problem solving and aggressively implement Council policy direction.

Handle Complex Legal Issues

The City Attorney's Office addresses a wide range of complex and sensitive legal issues that are inherent in progressive, full-service cities. These functional areas include: the environment; growth management, infrastructure planning/financing, redevelopment; land use; code enforcement; real estate transactions; municipal elections; Fair Political Practices Commission (FPPC) regulations; labor relations; city charter review; utilities; public safety; human resources; procurement/contracting and other internal services.

Provide Office Leadership

It is important the City Attorney's Office maintain a reputation for competence, responsiveness and creative problem solving. The City Attorney will be expected to serve as a key department head and member of the executive leadership team. Department staff must have the benefit of a mentoring leader who has a demonstrated track record for effective staff management.

COMPENSATION AND BENEFITS

Supplemented by a generous benefits package, the annual salary for this position will be competitive in accordance with experience and qualifications, with the current salary for this position topping out at \$155,600. In addition, the City offers an attractive benefits package that includes:

- **Retirement** – CalPERS retirement (2% @ 55 formula). City pays 6.6% of the employee's 7% contribution to CalPERS. Health, dental and vision insurance is available upon retirement for qualifying employees and dependents, with the premium cost partially offset by

conversion of accumulated sick leave following five years of service.

- **Deferred compensation** – Required 401(a) plan whereby city and employee each contribute 5%, and optional 457 plan whereby city and employee each contribute 1.5% (2.5% after nine years).
- **Leave** – The city provides generous allowances for vacation, sick leave and management leave.
- **Health & Welfare** – City pays \$722 per month toward the cost of employees' and dependents' premiums for all health, dental and vision plans offered. Life insurance of \$120,000 is provided by the City. Modesto also provides long-term disability coverage. A comprehensive physical exam is provided once a year at city expense.
- **Vehicle Allowance** – Modesto provides a vehicle allowance (current level is \$400 monthly).
- **Advanced education pay** – City pays additional 1.5% for a Juris Doctorate after one year of service with the City of Modesto.
- **Educational Partnership** – Financial grants are provided to support employee pursuit of academic degrees.
- The City does not participate in **Social Security** except for the required 1.45% Medicare contribution by both the City and the employee.

APPLICATION AND SELECTION PROCESS

To be considered, please submit via e-mail or regular mail a resume and cover letter with current salary information and four professional references (who will **not** be contacted in the early stages of the



recruitment). Your resume should reflect the size of staff that you have managed and should also clearly indicate beginning/ending dates (mm/yy) of positions held. Forward your submittals to:



David Harris
CPS EXECUTIVE SEARCH
241 Lathrop Way
Sacramento, CA 95815
Tel: 916.263.1401 • Fax: 916.561.7205
E-mail: resumes@cps.ca.gov
Website: www.cps.ca.gov/search
City of Modesto Website address:
www.ci.modesto.ca.us

If you have questions please contact David Harris or Stuart Satow. The **final filing date** for this recruitment is **Friday, March 3, 2006**. Following the initial review of resumes, candidates will be screened in relation to the criteria outlined in this brochure. Individuals with the most relevant qualifications will be given preliminary interviews by the consultants in mid-March, and those deemed best suited for the position will be recommended to the City Council in early April, prior to finalist interviews that are anticipated to occur in mid-April. An appointment is expected to be made by early May.



*The City of Modesto is an Equal Opportunity Employer
and is in compliance with the Americans with Disabilities Act.*